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MEDIA, INC. and JOSE DAVID HERNANDEZ

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

YELLOWCAKE, INC., a
California corporation,

Plaintiff,

v.

HYPHY MUSIC, INC.,

Defendant.

Case No.: 1:20-cv-00988-DAD-BAM

NOTICE OF DEPOSITION

Date: July 26, 2022

Time: 10:00 AM Pacific Time

Location: Remote

HYPHY MUSIC, INC.,)
)
 Counterclaimant,)
)
 v.)
)
 YELLOWCAKE, INC.,)
 COLONIZE MEDIA, INC., JOSE)
 DAVID HERNANDEZ, JESUS)
 CHAVEZ, SR.,)
)
)
 Counterdefendants.)

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure (“FRCP”), Plaintiff/Counterdefendants YELLOWCAKE, INC., COLONIZE MEDIA, INC. and JOSE DAVID HERNANDEZ (“Plaintiff/Counterdefendants”) will take the deposition on oral examination of Jose A. Martinez, Principal and President, and as a person most knowledgeable for Defendant/Counterclaimant HYPHY MUSIC, INC. (“Defendant/Counterclaimant”), on July 26, 2022, beginning at 10:00 a.m. via Zoom or other video conference technology. Said deposition shall be taken by oral examination before an officer authorized to administer oaths in the State of California and shall continue from day to day, excluding Saturdays, Sundays and legal holidays, until completed, or until any time limitation imposed by statute or agreed upon by the parties is reached.

PLEASE TAKE FURTHER NOTICE THAT, in addition to being stenographically recorded, the deposition may be videotaped, pursuant to FRCP 30(b)(3), and Plaintiff/Counterdefendants hereby reserved the right to use the videotaped deposition at trial.

Defendant/Counterclaimant is required to designate and produce at the deposition, those of its officers, directors, managing agents, employees or agents who are most qualified to testify on its behalf, to the extent of any information known or

1 reasonably available to it, as to those matters set forth on Exhibit “A” hereto and
2 incorporated herein by this reference.

3 Dated: June 14, 2022

4 **ABRAMS, FENSTERMAN, LLP**

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6 By: /s/ Seth L. Berman
7 Seth L. Berman, Esq. (*pro hac vice*)
8 ***Attorneys for Plaintiff/Counterdefendants***
9 ***Yellowcake, Inc., Colonize Media, Inc.,***
10 ***and Jose David Hernandez***
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EXHIBIT A

Exhibit A

1. Hyphy's corporate structure.
2. Hyphy's general business and operations.
3. All facts and circumstances regarding Hyphy's purported registration of the Works in dispute with the U.S. Copyright Office on or about August 12, 2020.
4. All facts and circumstances regarding Hyphy's purported agreements with Jesus Chavez, Sr. ("Chavez").
5. All facts and circumstances regarding the customary business practices with regards to Hyphy.
6. Hyphy's customary practices for accounting for sales, distribution, public performance and other forms of exploitation of sound recordings.
7. Hyphy's accounting procedures.
8. Hyphy's record keeping procedures.
9. Hyphy's customary practices for identifying, conducting due diligence and/or clearing, and acquiring rights in sound recordings or other intellectual property.
10. All facts and circumstances regarding any purported due diligence and/or clearance by Hyphy or any other third party of all rights in the sound recordings contained on Amigos y Contrarios, Corridos de Poca M, Desde La Cantina de Mi Barrio (En Vivo), El Campesino (Album), Chuy Chavez y Sus Amigos, Naci Con Suerte de Rey (Mariachi), and Nuestra Historia (En Vivo) (collectively, the "Works").
11. All facts and circumstances regarding Hyphy's alleged acquisition of the Works from Chavez.

12. All facts and circumstances regarding any and all communications concerning Chavez's alleged agreement to grant rights in the Works to Hyphy.
13. All facts and circumstances regarding Yellowcake's alleged infringement of the artwork allegedly owned by Hyphy.
14. All facts and circumstances regarding Hyphy's infringement of the Works.
15. All facts and circumstances regarding Hyphy's alleged creation, use and commercial exploitation of all album cover art in connection with the Works (the "Cover Art").
16. All facts and circumstances regarding Hyphy's distribution and exploitation of the Works with the Cover Art.
17. All facts and circumstances regarding the recording of the Works.
18. All facts and circumstances regarding the alleged master recordings converted by Jose David Hernandez.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION has been served upon the Attorneys for Defendants/Counterclaimants via Electronic Mail addressed to:

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on June 14, 2022.



Seth L. Berman